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ISSUE PAPER  
DOE/ROCKY FLATS  
ENVIRONMENTAL RESTORATION DIVISION  
June 28, 1991

ISSUES: DISPUTE WITH EPA/CDH ON DOE/HQ NEPA AND EG&G PROCUREMENT, DESIGN, CONSTRUCTION TIMEFRAMES FOR THE OU2 903 PAD AREA (WOMAN CREEK BASIN) IM/IRAP

WE WOULD PROBABLY WANT TO INVOKE DISPUTE RESOLUTION

NEPA/PROCUREMENT & DESIGN AND CONSTRUCTION

We will be receiving a letter from EPA/CDH that gives us till July 8, 1991 to agree to a schedule that has an April 1, 1992 startup date for the IM/IRAP.

They claim that if we reduced our NEPA and procurement requirements as well as EG&G's design and construction timeframes, we could meet an April 1, 1992 startup of the proposed IM/IRAP.

If we can not reduce our NEPA and procurement requirements and EG&G's design and construction timeframes and agree to an April 1, 1992 startup, they will invoke Paragraph 150 of the Interagency Agreement which they interpret to allow them not only to specify the IM/IRAP but also the schedule. Paragraph 150:

"DOE agrees that it shall develop and implement Interim Remedial Actions/Interim Measures (IRAs/ImS) as required by EPA and the State." [page 53, paragraph 150]

When they invoke Paragraph 150, they will most likely specify the April 1, 1991 startup date.

The NEPA timeframe for the draft IM/IRAP has increased from 30 days to 45 days since the Original IM/IRAP (South Walnut Creek & Woman Creek basins). In order to meet a Spring '92 startup, EPA/CDH and DOE staff feel it would be appropriate to eliminate HQ/NEPA approval on the Draft IM/IRAP (particularly since there has already been public comment on the (original) Draft.

Procurement requirements have changed from the South Walnut Creek IM/IRAP. No sole source, cost plus contracts. No design/build contracts.

DISPUTE RESOLUTION

We would initiate dispute resolution (paragraphs 109 - 118) which could take up to 5 months.

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NO ENVIRONMENTAL CLASSIFICATION  
NEEDS WAIVER PER  
CLASSIFICATION OFFICE

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